

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PORTEA L. JOHNSON, SR.,

Plaintiff,

v.

**Civil Action 2:19-cv-2297
Judge Edmund A. Sargus
Magistrate Judge Jolson**

STATE OF OHIO, et al.,

Defendants.

REPORT AND RECOMMENDATION

On June 21, 2019, the Court granted Plaintiff's Motion for Leave to Proceed *in forma pauperis* and directed Plaintiff to submit a copy of the Complaint, a properly completed summons, and a Marshal service form for Defendants within 14 days. (Doc. 4). Plaintiff failed to do so, and the Court, on January 9, 2020, ordered Plaintiff to show cause within 14 days why this case should not be dismissed for want of prosecution. (Doc. 5). The Clerk mailed copies of these orders to the address Plaintiff provided on the Complaint, but both were returned as undeliverable. (*See* Docs. 6, 7). Plaintiff has not submitted a notice of change of address and it is her duty to keep the Court updated on her current mailing address. It is, therefore, **RECOMMENDED** that this case be **DISMISSED without prejudice** for want of prosecution.

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those

portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: April 28, 2020

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE